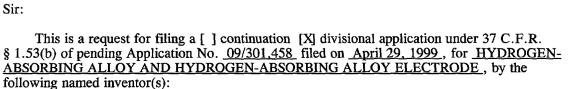# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a [ ] continuation [X] divisional application under 37 C.F.R.
§ 1.53(b) of pending Application No. _09/301,458_ filed on _April 29, 1999_, for _HYDROGEN-ABSORBING ALLOY AND HYDROGEN-ABSORBING ALLOY ELECTRODE_, by the
following named inventor(s):

    (a)   Full Name   Toshihiro Mori

    (b)   Full Name   Hideki Iba

    (c)   Full Name

[ ]   Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED**
under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the
invention disclosed in this application has not and will not be the subject of an application
filed in another country, or under a multilateral international agreement, that requires
publication at eighteen months after filing.

[X]   The entire disclosure of the prior application from which a copy of the oath or declaration is
supplied herewith is considered as being part of the disclosure of the accompanying
application and is hereby incorporated by reference therein.

[ ]   This application is being filed by less than all the inventors named in the prior application. In
accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of
the following person or persons who are not inventors of the invention being claimed in this
application.

    (a)   Full Name

    (b)   Full Name

    (c)   Full Name

[ ]   This application is being filed by more than all the inventors named in the prior application.
In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the
Commissioner is requested to add the name(s) of the following person or persons who are
inventors of the invention being claimed in this application.

    (a)   Full Name

    (b)   Full Name

    (c)   Full Name

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[X]   Applicant(s) suggests Figure 1 for inclusion on the front page of the patent application publication and/or patent.

1.   [X]   Enclosed is a copy of the prior Application No. 09/301,458 as originally filed on April 29, 1999, including copies of the specification, claims, drawings and the executed oath or declaration as filed.

2.   [ ]   Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.

3.   [ ]   Small entity status is hereby claimed.

4.   [X]   The filing fee is calculated below [X] and in accordance with the enclosed preliminary amendment:

CLAIMS				
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					$740.00 (101)
Total Claims	5	MINUS 20 =	0	× $18.00 (103) =	
Independent Claims	1	MINUS 3 =	0	× $84.00 (102) =	
If multiple dependent claims are presented, add $280.00 (104)					
Total Application Fee					740.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of $ _if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					740.00

5.   [ ]   Charge $ _____ to Deposit Account No. 02-4800 for the fee due.

6.   [X]   A check in the amount of $ 740.00 is enclosed for the fee due.

7.   [X]   The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

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(7/01)

8. [X]   Cancel in this application original claims 1, 3-4 and 6-8 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

9. [   ]   New drawings are enclosed.

10. [X]   Priority of Application No. 10-120638 filed on April 30, 1998 in Japan (country) is claimed under 35 U.S.C. § 119.

       [X]   The certified copy of the priority application

            [   ]   is enclosed.

            [X]   was filed on July 2, 1999 in prior Application No. 09/301,458 , filed on April 29, 1999 , and acknowledged by the Examiner on December 14, 2000 in Paper No. 8 .

            [   ]   has not yet been filed.

11. [X]   Please amend the specification by inserting before the first line the sentence:

       [X]   --This application is a [   ] continuation [X] divisional of Application No. 09/301,458 , filed on April 29, 1999 .--.

       [   ]   --This application is a [   ] continuation [   ] divisional of U.S. Application No. _, filed on _, which was a national stage filing under 35 U.S.C. § 371 of International Application No. _ filed on _, which International Application [   ] was [   ] was not published by the International Bureau in English on _.--.

       [   ]   --This application is a [   ] continuation [   ] divisional of U.S. Application No. _, filed on _, which was a continuation of International Application No. _, filed on _ , which International Application [   ] was [   ] was not published by the International Bureau in English on _.--.

12. [X]   A preliminary amendment is enclosed.

13. [X]   An Information Disclosure Statement is enclosed.

14. [   ]   A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.

15. [   ]   Also enclosed _.

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16. [X] The power of attorney in the prior application is to <u>Ronald L. Grudziecki and the partners of Burns, Doane, Swecker and Mathis, LLP</u>.
  a. [X] The power appears in the original papers in the prior application.
  b. [ ] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
  c. [ ] Recognize as Associate Attorney _.
  d. [X] Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Ronald L. Grudziecki
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: <u>October 12, 2001</u>   By: _____
                                           Peter K. Skiff
                                           Registration No. 31,917

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.   [ ] inventor(s)
P.O. Box 1404   [ ] assignee of complete interest
Alexandria, Virginia 22313-1404   [X] attorney or agent of record
(703) 836-6620   [ ] filed under 37 C.F.R. § 1.34(a)

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